

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>UNITED STATES OF AMERICA</b>	)	
<b>vs.</b>	)	<b>CRIMINAL ACTION 09-00017-KD-M</b>
	)	
<b>JUAN MARK JONES,</b>	)	
	)	
<b>Defendant.</b>	)	

**ORDER**

This matter is before the Court on the Government’s “Motion to Dismiss Assets from Final Judgment of Forfeiture” (Doc. 40). Specifically, the Government seeks to dismiss One Ruger P9 40C 40 Caliber handgun, Serial No. 34120790, and One Ruger .22 Model 10-22, Serial No. 24965546 from the May 7, 2010 Final Forfeiture Order (Doc. 37). As grounds, the Government asserts that it has confirmed that these firearms were stolen “and it is more appropriate to return them to their rightful owner.” (Doc. 40 at 1).

The Government has not cited any authority for the proposed action. Thus, the Court construes the Government’s motion as a Rule 60(b) Motion to Vacate the Final Forfeiture Order on behalf of third-parties in interest (although there are no ancillary proceedings filed by third-parties before the Court). See FED. CRIM. R. PROC. Rule 32.2(c)(4) and Comments thereto. The Court also construes the motion as a request to dismiss the forfeiture allegations concerning these specific firearms.

Accordingly, it is **ORDERED** that the Government's motion is **GRANTED** as follows:

The forfeiture to the United States of the Ruger P9 40C 40 Caliber handgun, Serial No. 34120790 and the Ruger .22 Model 10-22, Serial No. 24965546, is **VACATED**, and the forfeiture allegations in the indictment, as to these specific firearms, are **DISMISSED**.

**DONE** and **ORDERED** this the **31<sup>st</sup>** day of **August 2010**.

/s/ Kristi K. DuBose  
**KRISTI K. DuBOSE**  
**UNITED STATES DISTRICT JUDGE**